

*A
B*

detecting the unauthorized removal of the basket containing the prepared order from the cafeteria so that the removal detection de-activation has to occur in order for the prepared order to be removed from the cafeteria.

REMARKS

Objection to Drawings

Examiner objected to the drawings under 37 CFR 1.84(p)(5) because the disclosure at page 3, line 5 does not comport with the indicia in Fig. 2 and because two reference characters in Fig. 4 are not mentioned in the description. With respect to the first objection, Applicant has amended the paragraph of the specification at page 3, line 5 to correct the sandwich reference character so the description comports with the indicia used in Fig. 2. As to the second objection, Applicant has amended the drawing so reference character "M" has been replaced with reference numeral "12" so Fig. 4 comports with Fig. 1 and the description at page 6, line 2. Applicant also notes that reference character "D" is described in the specification at page 8, line 16. Applicant submits that the specification amendment, new Fig. 4, and the remark presented regarding the description of reference character "D" address all of Examiner's objections to the previously submitted drawings.

Section 101 Rejection

Examiner rejected claims 1 and 2 under 35 U.S.C. 101 because these claims included language that arguably could be construed to include human action. Applicants gratefully acknowledge such a possibility and have cancelled

those claims and presented new claims 7-24. Applicant submits that the language of claims 7-24 do not include language alluding to human action.

Section 112 Rejection

Examiner also rejected claims 1-4 under 35 U.S.C. 112, second paragraph, because the terms “duplicates” and “the codes” was deemed to be ambiguous. Claims 1-4 have been cancelled and new claims 7-24 do not contain these terms. Applicant submits that the new claims comply with the requirements of 35 U.S.C. 112, second paragraph.

Section 103 Rejection

Examiner rejected claim 1 under 35 U.S.C. 103 as being unpatentable over Miller et al. (U.S. Patent No. 4,882,475) and further in view of Walker et al. (U.S. Patent No. 6,381,582). Examiner also rejected claims 2 and 3 under 35 U.S.C. 103 as being unpatentable over Miller/Walker and further in view of Chaco et al. (U.S. Patent No. 5,822, 544). Examiner also rejected remaining claims 4-6 under 35 U.S.C. 103 as being unpatentable over Cupps, in view of Walker, further in view of Miller and further in view of Chaco. For reasons set forth below, these references, either alone or in combination, do not anticipate or render obvious the invention as set forth in new claims 7-24.

New System Claims

New claims 7-13 are directed to a system that provides a customer with an assigned order number so the customer may identify a prepared order at a cafeteria automated check-out counter so the prepared order may be obtained at the automated check-out counter. Walker teaches a system that compares an

order identification number at a point-of-sale terminal so that payment may be accepted at the point-of-sale terminal. However, delivery of the goods corresponding to the order identification number does not occur at that point but rather after shipment of the goods to the customer (Walker, col. 12, ll. 52-57; col. 13, ll. 1-16). Thus, Walker addresses the problem of how to pay for ordered goods (Walker, col. 13, ll. 34-44) but does not solve the problem of how to correlate prepared orders to customers so possession of a prepared order may be obtained at the automated check-out counter. Furthermore, Walker teaches the use of an operator-attended register for receiving the order code (Walker, col. 11, ll. 44-53). Consequently, Walker does not recognize the problem of correlating assigned order numbers to prepared orders at an automated check-out counter.

Miller does not anticipate nor render obvious the new claims 7-24 because Miller does not teach or suggest the presentation of a menu for an order over a public access network such as the Internet. Furthermore, Miller does not teach or suggest the transmission of an assigned order number to a computer for viewing a menu over a public access network so the assigned order number may be stored and later presented at an automated check-out counter for label verification. Nor would one skilled in the art be motivated to combine the teachings of Miller and Walker because Miller is directed to food preparation and prompt delivery of food to a customer's home while Walker is directed to a method of facilitating payment for catalog orders at a point-of-sale terminal for later shipment of purchased goods to a customer's home. That is, Miller

concerns a way of keeping a customer at home while Walker regards easing a customer's anxieties about payment security by helping the customer select and travel to a site for payment. Likewise, Cupps fails to supply any missing teaching or suggestion that produces a combination that would render obvious the invention set forth in the new claims.

Claims 8-15 provide additional limitations that further render the system of claim 7 patentable. For example, claims 8-11 provide order storage limitations that enable a user to transport the assigned order number to the automated check-out counter for assigned order number verification. Claim 12 provides a limitation regarding the reading of a permanent identification code that may be used as the assigned order number while claim 13 requires that the automated check-out counter deduct an amount from an added-value card that corresponds to the prepared order. Finally, claims 14-15 are directed to elements that further secure the prepared order so that correlation between an assigned order number and a generated label on a prepared order occurs at the automated check-out counter so proper possession may be obtained by a customer.

Method claims 16-24 are patentable for reasons related to those presented above with respect to claims 7-15. Method claims 17-20 are further patentable for reasons related to those discussed above with respect to claims 8-11. Claim 21 is also patentable for reasons noted above with respect to claim 12 and claim 22 is further patentable in light of the comments made above with regards to claim 13. Claims 23 and 24 are also patentable for at least the additional reasons set out above with respect to claims 14-15.

Summary

Applicants have addressed the issues raised in the outstanding Office Action of January 23, 2003 by amending one paragraph of the specification, amending Fig. 4, submitting new claims 7-24, and addressing the references previously cited by Examiner in the remarks made above. For at least the reasons presented above, new claims 7-24 are submitted as being patentable over the references of record. An expeditious notice of allowance is solicited.

Respectfully submitted,



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Specification Amendment

For example, in Figure 2, the customer may select sandwich [A] C with topping F and drink A. However, the customer may not add a statement to the order, such as “Drink A should be shaken, not stirred.” With this arrangement, there is no possibility for ambiguity: an individual item, presented on the menu, is either selected or not.